

FIRST REGULAR SESSION

SENATE BILL NO. 41

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Pre-filed December 1, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

0434S.01I

AN ACT

To amend chapter 571, RSMo, by adding thereto one new section relating to criminally negligent storage of a firearm, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 571, RSMo, is amended by adding thereto one new section, to be known as section 571.023, to read as follows:

571.023. 1. A person commits the crime of criminally negligent storage of a firearm if:

(1) Such person stores or keeps any loaded firearm or unloaded firearm and ammunition for that firearm on any premises under his or her custody and control;

(2) Such person knows or reasonably should know that a minor is capable of gaining access to the loaded firearm or unloaded firearm and ammunition; and

(3) A minor obtains the loaded firearm or unloaded firearm and ammunition and uses it to cause the death of any person or exhibits the firearm in a public place or uses it to threaten injury or death to any person.

2. The provisions of subsection 1 of this section shall not apply if, at the time the minor obtains the firearm:

(1) Such person was keeping:

(a) The loaded firearm or unloaded firearm and ammunition in a securely locked box or other locked container;

(b) The loaded or unloaded firearm secured by a locking mechanism that renders the firearm inoperable;

(c) The loaded or unloaded firearm in a dismantled state that renders the firearm inoperable and stores at least one part which is essential to the operation of the firearm in a securely locked box or other locked container; or

(d) The ammunition for an unloaded firearm stored separate from that unloaded firearm in a securely locked box or other locked container;

(2) The person is a peace officer, an active member of the armed forces, or its reserves, or a member of the national guard and the minor obtains the firearm during, or incidental to, that person performing his or her official duties;

(3) The minor obtains and discharges the firearm in a lawful act of self-defense or defense of one or more persons;

(4) The minor obtains the firearm as the result of an unlawful entry onto the premises where the firearm is located;

(5) The minor was supervised by a person twenty-one years of age or older and was engaging in hunting, sporting, or another lawful purpose; or

(6) The minor was engaged in an agricultural enterprise.

3. As used in this section the term "minor" means any person eighteen years of age or younger.

4. Firearms dealers shall be required to provide purchasers with a written warning about the provisions of this section and to place a conspicuous warning sign at the place where their firearms are sold. The warning shall read as follows: "It is unlawful and a violation of section 571.023, RSMo, to store, transport, or abandon a loaded firearm or an unloaded firearm and ammunition for that firearm in a place where minors are likely to be and can obtain access to the loaded firearm or unloaded firearm and ammunition."

5. Criminally negligent storage of a firearm is a class A misdemeanor.